

REMARKS

Claims 1 - 11 are pending. Claims 2 – 10 have been amended. No new matter is added. Reconsideration and reexamination is respectfully requested.

In a September 7, 2005 Office Action, the Examiner rejected claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite. The applicant has amended claim 4 to identify what controls the plurality of parameters to be set. Accordingly, applicant respectfully requests that the rejection of claim 4 under 35 U.S.C. § 112, second paragraph be withdrawn.

In the September 7, 2005 Office Action, the Examiner rejected claims 1, 2, 6, and 9 under 35 U.S.C. § 102(b) as being anticipated by the Real Jukebox Plus Manual ("the Real reference"). The Examiner rejected claims 3, 4, 8, 10, and 11 under 35 U.S.C. § 103(a) as being unpatentable over the Real reference in view of U.S. Patent No. 6,092,067 to Girling ("the Girling reference"). The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the Real reference in view of U.S. Patent No. 5,900,867 to Schindler ("the Schindler reference") and further in view of the U.S. Patent No. 3,944,982 to Mogi ("the Mogi reference"). The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over the Real reference in view of the Schindler reference. These rejections are respectfully traversed in so far as they are applicable to the presently pending claims.

Claim 1 distinguishes over the Real reference. Claim 1 recites:

A method for controlling parameters to be set in an apparatus in response to user operation of a remote controller, said method comprising:

a step of receiving a storage instruction signal transmitted from said remote controller, by means of a signal reception section of said apparatus;

a step of storing settings of a plurality of parameters, currently set in said apparatus, into a memory of said apparatus in response to the storage instruction signal received from said remote controller;

a step of receiving a reproduction instruction signal transmitted from said remote controller, by means of the signal reception section of said apparatus;

a step of reading out the settings of the parameters stored in said memory, in response to the reproduction instruction signal received from said remote controller; and

a step of controlling the plurality of parameters to be set in said apparatus, on the basis of the settings read out from said memory by said step of reading out.

The Real reference does not disclose, teach, or suggest the method of claim 1. The Examiner states that the highlighted limitations are taught by 1) the user selecting with a mouse a save settings command which allows the user to save the current settings of the graphic equalizer and 2) the user being able to select from a variety of saved equalizer settings via a drop down menu. (*Office Action, page 3*). In other words, the Examiner is stating that a mouse is a remote controller that transmits signals. In a mouse, a transmitter may send a computer's operating system a signal indicating directional attributes or coordinates and what buttons are clicked. The operating system receives the signal, interfaces with the graphical user interface (GUI) of the application software to determine where the cursor on the screen should be moved within the application software GUI, and then provides the application program with the information on what buttons are selected (or clicked).

The applicant respectfully submits that a mouse, such as the mouse in the Real reference, is not a remote controller in that the mouse actually interfaces with the application software GUI on the screen by directing a cursor on a display connected to the computer (i.e. apparatus) having the Real Jukebox software installed. The mouse

is not remotely controlling the computer. Instead, the mouse is local to the computer and the mouse along with the application software GUI is locally controlling the computer with the Real Jukebox software is installed. Accordingly, applicant respectfully submits that the mouse disclosed in the Real reference is not a remote controller and thus claim 1 distinguishes over the Real reference.

Further, the disclosure of the Real reference is not the same as a method comprising **a step of receiving a storage instruction signal transmitted from said remote controller, by means of a signal reception section of said apparatus, a step of storing settings of a plurality of parameters, currently set in said apparatus, into a memory of said apparatus in response to the storage instruction signal received from said remote controller and a step of receiving a reproduction instruction signal transmitted from said remote controller, by means of the signal reception section of said apparatus.**

It is not the same because the Real reference is not disclosing **receiving a storage instruction signal transmitted from said remote controller, by means of a signal reception section of said apparatus**, as is recited in claim 1, as amended.

The Real reference is disclosing receiving a signal which identifies movements of a peripheral device (i.e., the mouse) and also identifying what buttons are selected on the mouse. In other words, the Real reference is disclosing the reception of a signal identifying directional information along with button selection information. The operating system software receives this information and application software GUI (i.e., the Real Jukebox software GUI), which then in turn requests that current settings of an equalizer are saved (within the application software, i.e., the Real Jukebox software).

In contrast, claim 1 specifies **receiving, from a remote controller, a storage instruction signal**. The apparatus is receiving the storage instruction signal from claim 1's remote controller, which is not done in the Real reference.

Likewise, the Real reference does not disclose a method including **a step of receiving a reproduction instruction signal transmitted from said remote controller, by means of the signal reception section of said apparatus**. Again, the Real reference is disclosing the receiving of directional signals and button selection signals and utilizing the directional signals to move a cursor to a location on the Real Jukebox GUI and the button selection signal to select the item underneath the cursor. The application software receives this information from the application software GUI to execute an instruction to select a graphical equalizer setting. This is not **receiving a reproduction instruction from a remote controller** because the Real reference is disclosing only the reception of directional signals and button selection signals from the mouse, not a reproduction instruction. In other words, the mouse, even if it were a remote controller, is not transmitting a reproduction instruction signal. Accordingly, applicant respectfully submits that claim 1 further distinguishes over the Real reference.

Claim 2, as amended, distinguishes over the cited references. Claim 2, as amended, recites:

An audio apparatus comprising:
a controlled section operating in accordance with a plurality of set parameters;
a signal reception section that receives a control signal transmitted from a remote controller; and
a first memory that stores settings of a plurality of parameters to be set in said controlled section; and
a control section that, when said signal reception section has received from said remote controller a predetermined storage instruction indicated by said control signal, stores first setting of the

plurality of parameters currently set in said controlled section in said first memory in response to the storage instruction and when said signal reception section has received from said remote controller a first reproduction instruction indicated by said control signal, reads out said first settings stored in said first memory in response to said first reproduction instruction and, on the basis of the read out first settings, performs setting of a plurality of parameters in said controlled section.

As noted above, the Real reference does not disclose a remote controller that transmits either storage or reproduction instructions because the mouse of the Real reference is not a remote controller, instead it is a local controller. In the present claim, plural kinds of parameters are set by using a single instruction from a remote controller, and this is not the same as a signal from a peripheral (i.e., mouse) that is local to the audio apparatus which selects a menu option on a display screen utilizing the GUI of the application software.

Further, the Real reference does not disclose a **signal reception section that receives a control signal transmitted from the remote controller, where the control signal is either indicating a predetermined storage signal or a first reproduction instruction**. As explained above, the signal received by the OS and application software GUI of the computer having the Real Jukebox software application installed is a signal having directional information and button selection information. This information causes the cursor to move to a location and select, through the GUI of the Real Jukebox software, that settings are stored or that different settings are retrieved. There is no disclosure in the Real reference that the **control signal** (transmitted from the mouse) **is either indicating a predetermined storage signal or first reproduction instruction**. Accordingly, claim 2, as amended, distinguishes over the Real reference.

The Girling reference does not make up for the deficiencies of the Real reference. The Examiner states that the Girling reference discloses that an operating system interprets and carries out instructions issued by the user, e.g., when a user wants to load a program module, the operating system interprets the instruction and causes the CPU to load the program module into RAM from the disk drive. (*Office Action, page 7*). The Examiner points out that an equalizer setting is such a program code. The applicant understands the Examiner's utilization of the Girling reference and would like to add to the Examiner's description of the Girling reference's disclosure. The applicant believes the Examiner has oversimplified how an equalizer setting program is loaded into RAM because the equalizer setting program is a part of the Real Jukebox software. Thus, the equalizer setting module is not necessarily separately loaded by an instruction by the user. Instead, it more likely is installed into RAM when the Real Jukebox software is initiated. Assuming, *arguendo*, that the Girling reference discloses all that the Examiner states that it does, the Girling / Real reference combination does not disclose a **signal reception section that receives a control signal transmitted from the remote controller, where the control signal is either indicating a predetermined storage signal or a first reproduction instruction**. The Girling reference does not disclose, teach, or suggest a control signal is transmitted by a remote controller where the signal is either a predetermined storage signal or a first reproduction instruction. Accordingly, applicant respectfully submits that claim 2, as amended, distinguishes over the Girling / Real combination.

The Schindler and Mogi references do not make up for the deficiencies of the Real / Girling combination. The Examiner utilizes the Schindler reference to disclose a

keyboard remote with RF generating circuitry where the keyboard includes a touchpad that permits easy manipulation of the cursor. (*Office Action, page 10*). The Schindler reference's keyboard is not remote from the computer system because it is directing a cursor on the display, and the display is local to the computer system. It is a peripheral that is local to the computer, just like a mouse is local to the computer. Accordingly, the Schindler reference is not disclosing a remote controller. Further, as discussed above, the Schindler reference is not disclosing **a control signal indicating a storage signal or a reproduction instruction**. Instead, the Schindler reference is disclosing a keyboard including a touchpad where the keyboard is transmitting directional signals (from the touchpad) and key selection signals (from the other keys on the keyboard). These are not control signals, where the control signal is either indicating a predetermined storage signal or a reproduction instruction. Instead, the Schindler's signals have to be received and utilized by the GUI of the application software to develop a control signal. Accordingly, applicant respectfully submits that claim 2, as amended, distinguishes over the Schindler / Real / Girling combination.

The Mogi reference does not make up for the deficiencies of the Real / Girling / Schindler combination. The Examiner states that the Mogi reference discloses a remote control system for selectively controlling plural functions of an electronic apparatus and for transmitting different pulse length signals for different commands, the pulse signals are then detected by the detector to determine the command. (*Office Action, page 11*). Assuming, *arguendo*, that the Mogi reference discloses all that the Examiner states that it does, the Mogi reference does not disclose an audio apparatus including **signal reception section that receives a control signal transmitted from**

the remote controller, where the control signal is either indicating a predetermined storage signal or a first reproduction instruction. There is no disclosure that any of the signals transmitted from the Mogi remote control are indicating a predetermined storage signal or a first reproduction instruction, as is recited in claim 2. Accordingly, applicant respectfully submits that claim 2, as amended, distinguishes over the Mogi / Real / Girling / Schindler combination.

Claim 9, as amended, recites limitations similar to claim 2, as amended. Accordingly, applicant respectfully submits that claim 9 distinguishes over the Real / Girling / Schindler / Mogi combination for reasons similar to those discussed above in regard to claim 2, as amended.

Claims 3 – 8 and 10 – 11 depend, indirectly or directly, on claims 2 and 9, as amended. Accordingly, applicants respectfully submit that claims 3 – 8 and 10 – 11 distinguish over the Real / Girling / Schinder / Mogi combination for the same reasons as those discussed above in regard to claim 2, as amended.

///

///

///

///

///

///

///

///

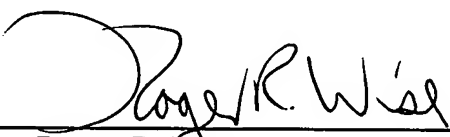
///

Applicant believe that the foregoing amendments and place the remaining claim in the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 should the examiner believe that such a telephone conference would advance prosecution of the application.


Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: February 7, 2006

By: 
Roger R. Wise
Registration No. 31204
Attorney for Applicant(s)

Date: February 7, 2006

By: 
Mark R. Kendrick
Registration No. 48468
Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033